



Paper No. 30

GINGER DREGER
HELLER EHRMAN WHITE & MCAULIFFE
275 MIDDLEFIELD ROAD
MENLO PARK CA 94025

COPY MAILED

NOV 14 2003

OFFICE OF PETITIONS

In re Application of Schneewind, et al. :
Application No. 09/292,437 : DECISION ON PETITION
Filed: April 15, 1999 :
Attorney Docket No. 39754-0791A :

This is a decision on the petition filed June 27, 2003; pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

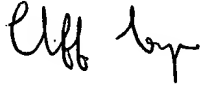
The above-identified application became abandoned as a result of petitioner's failure to timely file an Appeal Brief (and fee) within the time period provided in 37 CFR 1.192(a). A final Office action was mailed on March 21, 2002, which set a shortened statutory period for reply of three months. Petitioner obtained a three month extension of time and filed a Notice of Appeal on September 30, 2002 (certificate of mailing dated September 18, 2002). Accordingly, the two month period of time (extendable under 37 CFR 1.136(a)) for filing the Appeal Brief started to run from September 30, 2002. No Appeal Brief having been filed and no further extensions of time having been received, the above identified application became abandoned on December 1, 2002. The mailing of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, the petitioner filed a Request for Continued Examination (RCE) together with a Preliminary Amendment, and met all other requirements for a grantable petition under 37 CFR 1.137(b).

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1,970 extension of time fee submitted with the petition on June 27, 2003 was subsequent to the maximum period obtainable for reply (April 30, 2003), this fee has been refunded to petitioner's Deposit Account No. 08-1641.

The application file is being forwarded to Technology Center 1600 for processing of the RCE and the Preliminary Amendment, filed June 27, 2003.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions